

Amdt 8/573/19
J 3.17.03

Attorney Docket No.: 5573.210-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peschke et al.

Application No.: 09/356,313

Group Art Unit: 1653

Filed: July 16, 1999

Examiner: D. Lukton

Confirmation No: 7669

For: Compounds With Growth Hormone Releasing Properties

AMENDMENT UNDER 37 C.F.R. 1.111

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed September 10, 2002, please amend the above-captioned application as follows:

IN THE CLAIMS

Please amend claim 15 as follows:

B₁ 15. (amended) A composition comprising, as an active ingredient, a compound of claim 1, together with a carrier or diluent.

A marked up copy of claim 15 is attached hereto.

REMARKS

1. Double Patenting Rejection

Claim 1 is provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claim 1 of copending application Serial No. 09/337809 on the grounds that although the conflicting claims are not